

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                              |   |                         |
|------------------------------|---|-------------------------|
| LARRY McMILLAN,              | : | CIV. NO. 17-13435 (RMB) |
|                              | : |                         |
| Plaintiff                    | : |                         |
| v.                           | : | OPINION                 |
|                              | : |                         |
| C. RAY HUGHES, Administrator | : |                         |
| Southern State Correctional  | : |                         |
| Facility, <i>et al.</i> ,    | : |                         |
|                              | : |                         |
| Defendants                   | : |                         |

For the reasons stated in the accompanying Opinion filed herewith,

**IT IS** therefore on this 12th day of April 2019,

**ORDERED** that the Clerk shall file, under the docket entry "Amended Complaint," Plaintiff's proposed amended complaint (ECF No. 5-1); and it is further

**ORDERED** that the Section 1983 claim for violation of the Fourth Amendment and the parallel claims under the New Jersey Civil Rights Act and the New Jersey Constitution in the amended complaint may proceed against John Does #2 and #3; and it is further

**ORDERED** that the remaining claims in the amended complaint are dismissed without prejudice, pursuant to 28 U.S.C. §§ 1915 (e) (2)(B) and 1915A(b); and it is further

**ORDERED** that the Clerk shall issue the attached subpoena and serve it by certified mail on Administrator C. Ray Hughes, Southern

State Correctional Facility, 4925 Route 47, Delmont, New Jersey  
08314; and it is further

**ORDERED** that the Clerk shall serve a copy of this Order and  
the accompanying Opinion on Plaintiff by regular U.S. mail.

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
United States District Judge